



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

October 19, 2016

TO: Laura Shell, Chair
Doug Smith, Vice Chair
David W. Louie, Commissioner
Curt Pedersen, Commissioner
Pat Modugno, Commissioner

FROM: Steven Jones
Land Divisions Section

PROJECT NO. 02-201-(3)
CONDITIONAL USE PERMIT MODIFICATION NO. RPPL2016002885
ENVIRONMENTAL ASSESSMENT NO. 201500175
RPC Meeting: October 19, 2016
Agenda Item: 5

The attached are findings and conditions suggestions for the project address community concerns.

The Commission's attention should be directed towards findings 13-16 and condition 4.

Steven Jones of the Land Divisions staff is available at today's meeting or at (213) 974-6433 or sdjones@planning.lacounty.gov.

SUGGESTED MOTIONS:

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, AND, HAVING CONSIDERED THE ADDENDUM ALONG WITH THE MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT NO. IS02-201) FOR THE PROJECT, HEREBY APPROVE THE ADDENDUM (ENVIRONMENTAL ASSESSMENT NO. RENV201500175) TO THE ADOPTED MITIGATED NEGATIVE DECLARATION.

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND APPROVE PROJECT 02-201, CONDITIONAL USE PERMIT MODIFICATION RPPL2016002885 SUBJECT TO THE FINDINGS AND CONDITIONS.

**DRAFT FINDINGS AND ORDER OF THE REGIONAL PLANNING
COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. 02-201-(3)
CONDITIONAL USE PERMIT MODIFICATION NO. RPPL2016002885**

REQUEST: Modification of Condition No. 15 of previously approved Conditional Use Permit No. CP02-201.

HEARING DATES: August 17, 2016 and October 19, 2016

PROCEEDINGS BEFORE THE REGIONAL PLANNING COMMISSION:

Findings

1. The project site is located along Liberty Canyon Road at Park Vista Road in the unincorporated community of Santa Monica Mountains North Area.
2. Zoning on the subject property is A-1-5 (Light Agricultural Zone – 5 acre minimum lot area).
3. The project was originally approved on August 3, 2005 by the Regional Planning Commission to create eight single-family residence lots, one open space lot and one street lot for a total of 10 lots on 87.16 acres, to ensure compliance with the requirements of grading, hillside management and density-controlled development, and to authorize the removal of one oak tree and the encroachment within the protected zone of one oak tree. Tract map 53100 recorded on April 7, 2007.
4. The applicant requests modification of Condition 15 in Conditional Use Permit ("CUP") No. 02-201 to prohibit the import of earth materials and to retroactively authorize the import of earth material.
5. Pursuant to Section 22.56.1600, the modification of previously approved conditions is allowed for modifications that will not result in a substantial alteration or material deviation from the terms and conditions of the previously approved permit. The proposed project is to import 2,544 cubic yards of earth material to the site for grading.
6. The proposed CUP condition modification is needed to create a level building pad to allow development of the lots consistent with the recorded map, the surrounding community and that meets zoning development standards.
7. The existing approved Condition 15 reads as follows: "No import of earth material shall be permitted".

18. Pursuant to the provisions of Sections 22.56.1620 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper and property posting.
19. An addendum to the adopted Mitigated Negative Declaration (MND) has been recommended as the appropriate environmental document for this project in compliance with the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County.
20. The Addendum concluded that the development as proposed would not result in any increased or additional environmental impacts beyond those which were analyzed in the MND, and therefore concluded that a supplement to the environmental analysis was not required. A copy of the Addendum is attached.
21. After consideration of the Addendum to the adopted MND, together with the comments received during the public review process, the Commission finds on the basis of the whole record before it that there is no substantial evidence that the Project as conditioned will have a significant effect on the environment, and further finds that the Addendum reflects the independent judgment and analysis of the Commission.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES:

REGARDING THE MINOR MODIFICATION OF THE CONDITIONAL USE PERMIT:

- A. That the burden of proof for the conditional use permit as modified has been satisfied as required by Los Angeles County Code Section 22.56.040;
- B. That approval of the application will not materially deviate from the terms and conditions imposed in the granting of the previously approved conditional use permit; and
- C. That approval of the application is necessary to allow the reasonable operation and use granted in the conditional use permit.

AND, THEREFORE, the information submitted by the applicant and presented at the hearing substantiates the required findings for a minor modification to a conditional use permit as set forth in Section 22.56.1630, Title 22, of the Los Angeles County Code (Zoning Ordinance).

**DRAFT MODIFICATION OF CONDITIONS
DEPARTMENT OF REGIONAL PLANNING
PROJECT NO. 02-201-(3)
CONDITIONAL USE PERMIT MODIFICATION NO. RPPL2016002885**

MODIFICATION OF CONDITION NUMBER 15 OF CONDITIONAL USE PERMIT NUMBER 02-201

Pursuant to Section 22.56, Part 11 of the County Zoning Ordinance (Conditional Use Permit – Modifications or Eliminations of Conditions), and in conformance with the Regional Planning Commission approval action regarding modification to Conditional Use Permit Number 02-201 on August 3, 2005. Condition Number 15 of the originally approved Conditional Use Permit Number 02-201 is hereby modified as followed:

1. Condition No. 15, as currently approved, read as follows:
No import of earth material shall be permitted.

With the requested modification, the applicant is revising and adding the following to Condition No. 15 and it would read as follows:

Up to 2,544 cubic yards of import earth material may be graded on the subject site.

2. Prior to use of this grant, the permittee shall deposit with the County of Los Angeles ("County") the sum of **\$1000.00** to be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for five (5) unannounced inspections.
3. Prior to issuance of the first building permit for the project associated with TR53100, the subdivider shall dedicate open space Lot No. 9 to a public agency to the satisfaction of Regional Planning. The subdivider shall donate the sum of \$10,000 to the same public agency at the time of open space Lot No. 9 dedication for maintenance of the open space in an undeveloped state.
4. The project shall provide wildlife-permeable fencing at the National Park Service's Phantom Trail at the southerly terminus Liberty Canyon Road and Park Vista Road to the satisfaction of Regional Planning and the National Park Service to allow for wildlife movement. Fencing shall also minimize impacts to public views of scenic areas and be compatible with the character of the area. No horizontal member of said fencing shall be placed less than eighteen (18) inches or more than forty-two inches (42) above finished grade. For wire fences, the second highest horizontal wire shall be placed at least twelve (12) inches below the topmost wire. Barbed wire shall not be used.
5. Prior to the use of this grant, the terms and conditions of the modification shall be recorded in the office of the Los Angeles County Recorder.